

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

THOMAS J. LOPEZ

PLAINTIFF

V.

CIVIL ACTION NO.: 1:22-cv-329-TBM-RPM

**HARRISON COUNTY, MISSISSIPPI,
SHERIFF TROY PETERSON, PATRICK BEAVER
CHARLENE CANNON, MICHELLE MCLAUGHLIN,
CHARLENE STINSON, BOBBY JACKSON, EVAN HUBBARD
and ELAINE LEGE, INDIVIDUALLY AND/OR IN
THEIR OFFICIAL CAPACITIES**

DEFENDANT(S)

**HARRISON COUNTY, MISSISSIPPI AND SHERIFF TROY PETERSON'S MOTION
TO DISMISS SECOND AMENDED COMPLAINT [DN 95]
PURSUANT TO F.R.C.P. 12(b)(6)**

COME NOW, the Defendants, Harrison County, Mississippi ("County") and Sheriff and Sheriff Troy Peterson ("Sheriff), by and through their attorneys of record and files this their Motion to Dismiss Second Amended Complaint [DN 95] Pursuant to F.R.C.P. 12(b)(6), reserving all other defenses available to them including, but not limited to, any defenses available under the Federal Rules of Civil Procedure, relevant case law, or relevant statutes, and would show unto the Court the following, to-wit:

1.

Plaintiff filed his Second Amended Complaint [DN 95] on February 24, 2025, alleging that he was a victim of an assault by another inmate while he was being housed at the Harrison County Adult Detention Center.

2.

Plaintiff's Second Amended Complaint fails to state a claim under *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 694 (1978) against Defendants, Harrison County, Mississippi and Sheriff Troy Peterson. Plaintiff's Second Amended Complaint [DN 95] does not contain any facts to

support a claim that any policy statement, ordinance, regulation or decision was the moving force of an alleged constitutional violation. Likewise, the Second Amended Complaint fails to provide specific facts demonstrating a “pattern and practice” of similar alleged constitutional violations.

3.

Defendants, Harrison County, Mississippi, and Sheriff Troy Peterson, would further rely upon the arguments and authorities contained in their Memorandum of Authorities submitted to the Court contemporaneously herewith.

WHEREFORE, PREMISES CONSIDERED, based upon the above and foregoing, the Defendants, Harrison County, Mississippi and Sheriff Troy Peterson, respectfully requests that this Court dismiss Plaintiff’s Second Amended Complaint [DN 95]. Defendants further pray for any and all other relief they may be entitled to.

SO MOVED, this the 11th day of April, 2025.

HARRISON COUNTY, MISSISSIPPI and
SHERIFF TROY PETERSON, Defendants

BY: HOPKINS, BARVIÉ & HOPKINS,
P.L.L.C., Their Attorneys

BY: s/A. Norris Hopkins, Jr.
A. NORRIS HOPKINS, JR.(MSB #10819)

HARRISON COUNTY, MISSISSIPPI, Defendant

BY: BOYCE HOLLEMAN & ASSOCIATES,
Their Attorneys

BY: s/Patrick Guild
PATRICK GUILD (MSB# 103739)

CERTIFICATE OF SERVICE

I, Patrick T. Guild, hereby certify that I have this day filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

s/A. Norris Hopkins, Jr.
A. NORRIS HOPKINS, JR.

s/Patrick Guild
PATRICK GUILD

HOPKINS, BARVIÉ & HOPKINS, P.L.L.C.
ATTORNEYS AND COUNSELORS AT LAW
ALBEN N. HOPKINS, MSB# 2616
A. NORRIS HOPKINS, JR., MSB# 10819
MARIANO J. BARVIÉ, MSB# 10324
2701 24TH AVENUE
P. O. BOX 1510
GULFPORT, MS 39502-1510
(228) 864-2200
FAX: (228) 868-9358

BOYCE HOLLEMAN & ASSOCIATES
TIM C. HOLLEMAN, ESQ.
PATRICK T. GUILD, ESQ.
HOLLIS T. HOLLEMAN, ESQ.
1720 23RD AVENUE
GULFPORT, MS 39501
PHONE NO.: 863-3142
FAX NO.: 863-9829